

Authority: Item 17, Public Works Committee  
Report 07-011 (TOE02005b/  
FCS02026b/PED07248)  
CM: September 26, 2007

**Bill No. 047**

City of Hamilton

By-law No. 11-047

To Impose a Sanitary Sewer and Watermain Charge upon owners of land abutting Kitty Murray Lane from Garner Road East to approximately 700m northerly, in the City of Hamilton.

**WHEREAS** the Council of the City of Hamilton authorized recovering a portion of the costs associated with the construction of Sewer and Watermain Works by a developer in the City of Hamilton, by approving Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248); and approved by council on September 26, 2007.

**AND WHEREAS** a developer, Redeemer University College, in satisfaction of terms and conditions of consent applications AN/B-03:148, 149, 150 and 151, did construct certain Sewer & Watermain Works including watermain and private drain connections, in the City of Hamilton, as more particularly described in Schedule "A" attached to this by-law;

**AND WHEREAS** the costs of the said Sewer & Watermain Works to be recovered from all benefiting home owners is \$361,478.90

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sewer & Watermain Charges are hereby imposed upon the owners or occupants of land who benefit from the construction, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the respective Sewer & Watermain Charges are more particularly described in Schedule "B" hereto, which Schedule forms part of this By-law.
3. The Sewer & Watermain Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE02005b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a Sewer Charge of \$144 48 per metre of property frontage attributable to each Assessed Owner of an existing residential lot and \$1,935 00 for each sanitary drain connection and a Watermain Charge of \$213 26 per metre of property frontage attributable to each

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Assessed Owner of an existing residential lot and \$1,335.00 for each water service connection. The Sewer & Watermain Charges shall be indexed annually in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series), commencing one year from the date of the passage of this by-law.

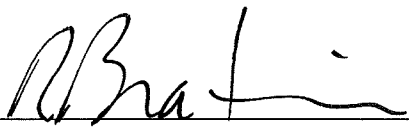
4. The amount resulting from the application of the Sewer & Watermain Charges, hereinafter referred to as the "Indebtedness", shall be collected at the time of permit issuance for any connection to the said Sewer & Watermain Works, in addition to any applicable permit fee.
5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of fifteen (15) years from the date of permit issuance for connection by entry on the collector's roll, to be collected in like manner as municipal taxes. The interest rate utilized for the 15 year payment shall be the City of Hamilton's then-current 15 year borrowing rate (2010 rate – 5.00%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "B" may pay the commuted value of the Indebtedness without penalty, but including interest, at any time.
7. Should an Assessed Owner sever or subdivide their parcel of land, the amount owed to the City hereunder, whether the parcel of land is connected or not, and whether or not the Assessed Owner has previously exercised the repayment option set out in Section 5 above, shall be paid forthwith to the City in a lump sum as a condition of the severance or subdivision approval.
8. The developer, Redeemer University College, upon satisfying the City that it has completed its obligations with respect to the construction of the said Sewer & Watermain Works, shall receive repayment of that portion of the associated cost of the construction collected hereunder, pursuant to the terms and conditions of its consent applications.
9. The Sewer & Watermain Charge and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands. If the Indebtedness, or any portion thereof, remains unpaid after the due date established in Section 5 above, the unpaid amount may be entered on the collector's roll and collected in like manner as municipal taxes.
10. If any provision or requirement of this by-law, or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the by-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or

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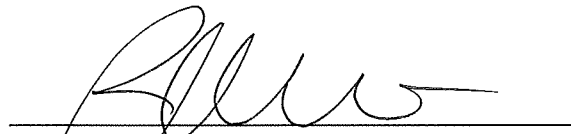
unenforceable, shall not be affected thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.

11. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

**PASSED** this 9<sup>th</sup> day of February, 2011.



R Bratina  
Mayor



R. Caterini  
City Clerk

**Schedule "A" to By-Law No. 11-047**

250mm and 375mm diameter sanitary sewer on Kitty Murray Lane from Garner Road East to approximately 700m northerly at \$144.48 per metre of property frontage  
150mm diameter private drain connections at \$1,935.00 per connection

400mm diameter watermain on Kitty Murray Lane from Garner Road East to approximately 700m northerly at \$213.26 per metre of property frontage  
20mm diameter water service connection at \$1,335.00 per connection

Schedule "B" to By-Law No 11-047

City of Hamilton

Cost Break-Down Sanitary Sewer and Watermain & Water Service & Private Drain Connections

Kitty Murray Lane (Consent Applications AN/B-03:148, 149, 150 and 151)

Property Address		Frontage in Metres	Sanitary Sewer	Sanitary Connection	Watermain	Watermain Connection	Total For Each Property
467	Kitty Murray Lane	25 30	\$3,655 34	\$1,935 00	\$5,395 48	\$1,335 00	\$12,320 82
475	Kitty Murray Lane	25 30	\$3,655 34	\$1,935 00	\$5,395 48	\$1,335 00	\$12,320 82
713	Garner Road East	20 11	\$2,905 49	\$0 00	\$4,288 66	\$0 00	\$7,194 15
683	Garner Road East	193 76	\$27,994 44	\$0 00	\$41,321.26	\$0 00	\$69,315 70
617	Garner Road East	727 70	\$105,138 10	\$0 00	\$155,189 30	\$0 00	\$260,327 40
<b>Total</b>			<b>\$143,348.72</b>	<b>\$3,870.00</b>	<b>\$211,590 17</b>	<b>\$2,670.00</b>	<b>\$361,478.90</b>